

In the Matter Of:

IN RE: DORA FONTAINE

DORA FONTAINE

June 17, 2016

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06/17/2016

FONTAINE DORA
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CITY OF CHICAGO
INSPECTOR GENERAL'S OFFICE

OFFICE OF INSPECTOR GENERAL
INTERVIEW OF:
DORA FONTAINE

TRANSCRIPT OF PROCEEDINGS had in the
above-entitled cause on the 17th day of June
A.D. 2016

1 APPEARANCES:

2 INSPECTOR GENERAL'S OFFICE

3 740 North Sedgwick, Suite 200,

4 Chicago, Illinois 60654,

5 773-478-3878, by:

6 MR. PETER NEUMER

7 Assistant Inspector General

8 pneumer@chicagoinspectorgeneral.org

9 MR. KRISTOPHER BROWN

10 Investigator III

11 kbrown@chicagoinspectorgeneral.org,

12 Appeared on behalf of the Inspector

13 General's Office;

14

15 J. RUSSELL LAW, LLC

16 206 South Jefferson

17 Chicago, Illinois 60661

18 312-207-1220, by:

19 MS. JENNIFER W. RUSSELL

20 jennifer.russell@jrusSELLllaw.com,

21 Appeared on behalf of the Interviewee.

22

23 ALSO PRESENT:

24 COMMANDER ROBERT KLIMAS, via telephone.

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1 MR. NEUMER: As a preliminary matter, I am
2 providing the following information: An independent
3 certified court reporter is present today to provide
4 a verbatim transcript of this interview.

5 To aid in the accuracy of the transcript,
6 it is the custom and practice of court reporters to
7 audio-record the interview. The recording is a
8 confidential work product property of the court
9 reporter and will not be provided to any party,
10 including the OIG. If you request, the audio
11 recording will be discontinued.

12 Officer Fontaine, are you okay with the
13 court reporter audio-recording the interview?

14 THE INTERVIEWEE: No.

15 MR. NEUMER: So I might ask that we will have
16 to be extra careful in terms of talking over each
17 other.

18 And, Andrew, if at any time we are going
19 too fast, please just note for us and give us a
20 little wave or something, and we will be sure to
21 slow down.

22 (Whereupon, the audio recording was
23 stopped.)

24 MR. NEUMER: So let the record reflect that

1 today's date is June 17, 2016. The time is
2 2:22 p.m. We are located at Amicus Court Reporters,
3 300 West Adams Street, Suite 800.

4 My name is Peter Neumer, the court
5 reporter is Andrew Pitts, and I would ask that the
6 other individuals present identify themselves and
7 spell their name for the record.

8 MR. BROWN: Kristopher Brown, B-R-O-W-N, City
9 of Chicago Office of Inspector General.

10 MS. RUSSELL: Jennifer Russell, R-U-S-S-E-L-L,
11 Officer Fontaine's attorney.

12 THE INTERVIEWEE: Officer Dora Fontaine;
13 D-O-R-A, Fontaine, F-O-N-T-A-I-N-E, Star number
14 4484.

15 MR. NEUMER: There are no other individuals
16 present. We are here today pursuant to an
17 investigation being conduct under Chapter 2-56 of
18 the municipal code of the City of Chicago. We are
19 here for an interview of Officer Dora Fontaine.

20 Officer Fontaine, would you please raise
21 your right hand, and the court reporter will swear
22 in.

23 MS. RUSSELL: Officer Fontaine, based upon
24 advice of counsel, is not going to be sworn in for

1 this administrative statement.

2 DORA FONTAINE,
3 called as an Interviewee herein, having refused to
4 be administered an oath, was examined and testified
5 as follows:

6 EXAMINATION

7 BY MR. NEUMER:

8 Q. Okay. I am now going to hand you what
9 has previously been marked as Exhibit 1, which is
10 an administrative rights form.

11 (Whereupon, a document was tendered
12 to the Interviewee.)

13 BY MR. NEUMER:

14 Q. I am going to read the form to you, and
15 after each paragraph, I am going to just ask
16 whether you have seen the paragraph that I just
17 read aloud to you or read it as I am reading it?

18 So the advisement statement reads, "I,
19 Dora Fontaine, understand that I am being
20 interviewed by Peter Neumer and Kris Brown from the
21 City of Chicago Office of Inspector General.
22 I understand that this interview is part of an
23 official investigation and that I have a duty to
24 cooperate with the Inspector General's Office,

1 which includes answering all questions completely
2 and truthfully."

3 Officer Fontaine, do you see this
4 paragraph that I just read aloud to you?

5 A. Yes.

6 Q. "I understand that I have no right to
7 remain silent. I understand that I have an
8 obligation to answer questions put to me
9 truthfully.

10 "I understand that if I refuse to answer
11 questions put to me, I will be ordered by a
12 superior officer to answer the questions.
13 I further understand and I have been advised that
14 if I persist in my refusal to answer after an order
15 to do so, such further refusal constitutes a
16 violation of the rules and regulations of the
17 Chicago Police Department and may serve as the
18 basis for any discharge."

19 Officer Fontaine, do you see the
20 paragraph I just read aloud to you?

21 A. Yes.

22 Q. "I understand and have been advised that
23 my statements or responses may constitute an
24 official police report. I understand that Rule 14

1 of the Chicago Police Department's rules and
2 regulations prohibits making a false report,
3 written or oral.

4 "I further understand that making such a
5 false report, whether written or oral, may result
6 in my separation from the Chicago Police
7 Department."

8 Officer Fontaine, do you see the
9 paragraph that I just read aloud to you?

10 A. Yes.

11 Q. "I understand that any statement made by
12 me during this interview may be used as evidence of
13 misconduct or as the basis for disciplinary action
14 up to and including removal or discharge."

15 Officer Fontaine, do you see the
16 paragraph I just read aloud to you?

17 A. Yes.

18 Q. "I understand that any statement made by
19 me during this interview and the fruits thereof
20 cannot be used against me in a criminal
21 proceeding."

22 Officer Fontaine, do you see the
23 paragraph I just stated there aloud to you?

24 A. Yes.

1 Q. "I understand that I have a right to have
2 a union representative or legal or counsel of my
3 choosing presented at the interview to consult with
4 and that I will be given a reasonable time to
5 obtain a union representative or legal
6 representative as long as the interview is not
7 unduly delayed."

8 Officer Fontaine, do you see the
9 paragraph I just read aloud to you?

10 A. Yes.

11 Q. "I understand that a refusal to answer
12 any question or any false, inaccurate, or
13 deliberately incomplete statement by me would
14 constitute a violation of Chicago Municipal
15 Order 2-56 and may serve as the basis for my
16 discharge."

17 Officer Fontaine, do you see the
18 paragraph I just read aloud do you?

19 A. Yes.

20 Q. "I acknowledge that this statement of my
21 administrative rights has been read aloud to me,
22 and I have been allowed to review this document."

23 Officer Fontaine, do you see the
24 paragraph I just read aloud to you?

1 A. Yes.

2 Q. I would just ask at this time that you
3 sign the advisement of rights, and Kris and I will
4 witness.

5 Officer Fontaine, is it fair to say that
6 you will not answer questions from the OIG today
7 regarding the Laquan McDonald shooting absent an
8 order from a superior officer?

9 A. Upon advice of counsel, yes.

10 MR. NEUMER: Okay. At this time, we are going
11 to call Commander Robert Klimas and ask him to order
12 you to answer our questions today.

13 (Whereupon, a telephone call was
14 made.)

15 COMMANDER KLIMAS: Bob Klimas.

16 MR. NEUMER: Bob, this is Peter Neumer from the
17 OIG. I am here with my colleague Kris Brown and
18 Jennifer Russell and Officer Dora Fontaine, and we
19 are in the middle of a court-reported interview, and
20 Officer Fontaine being duly provided notice of this
21 interview is refusing to answer questions regarding
22 the Laquan McDonald shooting absent an order from
23 her superior officer, and I am asking you at this
24 time to order Officer Fontaine to answer our

1 questions.

2 COMMANDER KLIMAS: Okay. This is Commander
3 Robert Klimas, K-L-I-M-A-S, of the Chicago Police
4 Department, Bureau of Internal Affairs.
5 Officer Fontaine, I am giving you a direct order to
6 answer all questions posed to you today by Peter
7 Neumer or his designees from the Office of the
8 Inspector General of the City of Chicago. Do you
9 understand?

10 THE INTERVIEWEE: Yes, sir.

11 COMMANDER KLIMAS: Thank you.

12 MR. NEUMER: Thanks, Bob.

13 COMMANDER KLIMAS: All right.

14 MR. NEUMER: Okay. I am now going to mark a
15 couple exhibits for the record. And these include a
16 couple of documents that you should have received
17 prior to today's interview. So I am first going to
18 mark and hand to you what has been previously marked
19 as Exhibit 2, which is a Notification of Interview
20 dated June 10th.

21 (Whereupon, a document was tendered
22 to the Interviewee.)

23 BY MR. NEUMER:

24 Q. Officer Fontaine, have you seen this

1 notification of interview prior to today?

2 A. Yes.

3 Q. And did your attorney provide you with
4 this document sometime before today?

5 A. No.

6 Q. Okay. Did BIA provide you with this
7 document on or about, I think, June 16th?

8 MR. BROWN: 14th.

9 BY MR. NEUMER:

10 Q. 16th?

11 A. IAD.

12 MS. RUSSELL: Yes, Bureau of Internal Affairs.

13 BY MR. NEUMER:

14 Q. They provided you with this document on
15 or about June 14?

16 A. Yes.

17 Q. Okay. And do you recall whether you
18 signed the Exhibit 2 document when they provided it
19 to you?

20 A. Yes.

21 Q. Okay. I am now going to hand you what
22 has been previously marked as Exhibit 3, which is a
23 Notification of Allegations.

24 (Whereupon, a document was tendered

1 to the Interviewee.)

2 BY MR. NEUMER:

3 Q. And have you seen this Exhibit 3 document
4 prior to today?

5 A. Yes.

6 Q. And did BIA or IAD provide you with this
7 document on or about June 14th?

8 A. Yes.

9 Q. Okay. And do you recall signing the
10 Exhibit 3 document -- well, not this copy, but a
11 different copy of the Exhibit 3 document?

12 A. Yes.

13 Q. I am now going to hand you what has
14 previously been marked as Exhibit 4.

15 (Whereupon, a document was tendered
16 to the Interviewee.)

17 BY MR. NEUMER:

18 Q. Exhibit 4 is an excerpt of a CPD Case
19 Supplementary Report dated March 16, 2015 with the
20 RD number HX475653. Have you seen this Exhibit 4
21 document prior to today?

22 A. Yes.

23 Q. And did BIA provide you with this
24 document on or about February 22nd, 2016?

1 A. I'm not quite sure about the date,
2 but --

3 Q. Did BIA provide you with this document
4 prior to our previous March 18th interview?

5 MS. RUSSELL: 16th.

6 BY MR. NEUMER:

7 Q. March 16th interview?

8 A. Yes.

9 Q. Okay. And now I am going to hand you
10 what has previously been marked as Exhibit 5, which
11 is a General Progress Report dated October 20th,
12 2014 with the RD number HX475653 containing
13 detective March's notes of his interview of
14 Officer Fontaine.

15 (Whereupon, a document was tendered
16 to the Interviewee.)

17 BY MR. NEUMER:

18 Q. Officer Fontaine, have you seen this
19 Exhibit 5 document prior to today?

20 A. Yes.

21 Q. And did BIA provide you with this
22 document prior to your previous OIG interview?

23 A. Yes.

24 Q. Let's see. Aside from your attorney,

1 Officer Fontaine, did you speak to anybody else in
2 preparation for today's interview?

3 A. No.

4 Q. Do you have any prepared remarks that you
5 would like to make at this time?

6 A. Yes. This statement is not being made
7 voluntarily but under duress and is only being made
8 at this time because I know that I will lose my job
9 if I refuse direct order being given to me by
10 Commander Klimas.

11 MS. RUSSELL: In addition, I would like to note
12 for the record that the objections stated prior to
13 Officer Fontaine's statement on October 16, 2016, we
14 continue to object for those -- strike that,
15 March 16, 2016. We would ask that those objections
16 remain, and we believe they are still objectionable.

17 In addition, we would like to assert an
18 objection based on 6.2G of the contract that the
19 length of this interview is unreasonable in that
20 this is Officer Fontaine's second interview. The
21 first one, March 16, 2016, began at 12:18 a.m. and
22 ended at 4:40 p.m., wherein the Office of Inspector
23 General had more than ample opportunity to explore
24 Officer Fontaine's full knowledge regarding the

1 facts and circumstances regarding the Laquan
2 McDonald shooting.

3 MR. NEUMER: Okay. Before we --

4 MR. BROWN: And I think you might have said
5 12:18 a.m.

6 MS. RUSSELL: 12:18 p.m. to 4:40 p.m. on
7 March 16, 2016.

8 MR. BROWN: Okay.

9 MR. NEUMER: That would have been one epic
10 interview.

11 MS. RUSSELL: Exactly.

12 MR. NEUMER: Okay. Before we get started,
13 Counsel, I just wanted to confirm on the record that
14 you are okay with us providing you with the
15 transcript of today's interview within 120 hours of
16 the interview taking place as opposed to 72 hours.

17 MS. RUSSELL: Correct.

18 BY MR. NEUMER:

19 Q. Okay. Officer Fontaine, could you just
20 state your name and Star number for the record,
21 please.

22 A. Officer Dora Fontaine, F-O-N-T-A-I-N-E,
23 Star No. 4484.

24 Q. And, Officer Fontaine, what is your

1 current unit of assignment?

2 A. Unit 8.

3 Q. Officer Fontaine, we interviewed you,
4 Kris and I interviewed you, on March 16, 2016; is
5 that correct?

6 A. Yes.

7 Q. And during that interview, you stated
8 that you were interviewed by Detective March on the
9 night of October 20, 2014 regarding the shooting of
10 Laquan McDonald?

11 A. Yes.

12 Q. And we asked you a series of questions
13 regarding the summary of that statement that
14 Detective March put in the case supplementary
15 report; is that correct?

16 A. Yes.

17 Q. Okay. I am now handing -- well, you
18 might already have it in front of you, Exhibit 4,
19 what we are calling Exhibit 4, which is an excerpt
20 of a CPD case supplementary report dated March 16,
21 2015 with the RD number HX47453 which contains
22 Detective March's summary of the statement Officer
23 Fontaine provided to him that day.

24 And I want to go over with you certain

1 statements in this CSR that Detective March
2 attributes to you, and I am going to ask
3 you -- well, probably more than two, but two
4 questions in particular.

5 The first question will be whether you
6 made the statement to Detective March that evening,
7 and then the second statement or the second
8 question is whether that statement is accurate.
9 Okay?

10 A. Yes.

11 Q. So, again, the first statement or
12 the -- the first question will be whether you made
13 that statement to Detective March. Forget whether
14 it's true or accurate or not, whatever. It's just
15 did you make that statement. And then secondly, we
16 are going to ask whether that statement is
17 accurate. Okay?

18 A. Yes.

19 Q. So --

20 MS. RUSSELL: And, Peter, to the extent that
21 this was fully explored sentence by sentence during
22 her previous statement, we are going to be referring
23 to specific page numbers, I believe starting with
24 page number 112, where you went through this

1 exercise during her last statement. So to the
2 extent that this is repetitive, certainly
3 Officer Fontaine stands by her previous statement to
4 the OIG, but we will address certainly any
5 additional questions.

6 MR. NEUMER: Sure.

7 MS. RUSSELL: So we would ask for the leeway,
8 at least on your specific questions, to review the
9 transcript to determine whether these are, in fact,
10 duplicative to the exact questions you asked last
11 time.

12 MR. NEUMER: Okay. --

13 MS. RUSSELL: Okay? --

14 MR. NEUMER: And maybe what I can do is
15 identify the particular statements that I am going
16 to be asking about, and I think you will see that
17 the -- well, I will leave it up to you --

18 MS. RUSSELL: Okay.

19 MR. NEUMER: -- what your sense is.

20 BY MR. NEUMER:

21 Q. So the first statement I am going to ask
22 about -- and I'll just run through the statements
23 that I am going ask about, and then if you want to
24 look through the transcript, that's fine.

1 The first statement is -- let's see.

2 MR. NEUMER: So it's on page -- is there a page
3 number on your copy of the exhibit?

4 MS. RUSSELL: I have 15 of 22.

5 MR. NEUMER: 15. Good.

6 BY MR. NEUMER:

7 Q. And so this should be in the middle of
8 the larger paragraph there. Actually, I think it's
9 third sentence, "When they arrived at the scene of
10 this incident in front of the Dunkin' Donuts
11 restaurant, Officer Fontaine saw a black male
12 subject, now known as Laquan McDonald, walking down
13 the middle of the street with a knife in his hand."

14 That is the first statement I am going to
15 be asking about. Second statement: "These two
16 officers were standing in the middle of the street
17 on the right side of their police vehicle which was
18 facing southbound."

19 You will notice I skipped a sentence in
20 between there.

21 Next statement: "Fontaine heard the
22 officers repeatedly order McDonald to drop the
23 knife."

24 Next statement: "McDonald ignored the

1 verbal direction and instead raised his right arm
2 toward Officer Van Dyke as if to attack Van Dyke."
3 I will note we did discuss the second part of that
4 sentence, raising the right arm toward Officer Van
5 Dyke, and I have no questions about that today.

6 The next statement I will be asking
7 about, "At this time, Van Dyke fired multiple shots
8 from his hand gun until McDonald fell to the ground
9 and stopped moving his arm and hand which still
10 grasped the knife."

11 Those are the statements that we will be
12 discussing today.

13 MS. RUSSELL: Peter, can we take a break?

14 MR. NEUMER: Sure. The time is 2:39, and we
15 will go off the record.

16 (Whereupon, a break was taken.)

17 MR. NEUMER: The time is 2:39, and we will go
18 back on the record.

19 BY MR. NEUMER:

20 Q. Okay. So, again, at least two questions,
21 but two primary questions as we go through each of
22 these statements, one, whether you made the
23 statement to Detective March on the night of
24 October 20, 2014; two, is that statement accurate.

1 So with respect to the first statement,
2 "When they arrived at the scene of this incident in
3 front of the Dunkin' Donuts restaurant,
4 Officer Fontaine saw a black male subject, now
5 known as Laquan McDonald, walking southbound down
6 the street with a knife in his right hand,"
7 Officer Fontaine, did you make this statement to
8 Detective March to the night of October 20, 2014?

9	A. Yes.
---	---------

10	Q. Is your statement accurate?
----	--------------------------------

11 A. To the best of my ability, yes.

12 Q. Okay. And do you recall where you were
13 when you made this statement to Detective March?

14 | A. Outside of our squad car.

15 Q. And was anyone else present?

16 MS. RUSSELL: Peter, I will just object that we
17 have fully explored the different times that she
18 spoke with Detective March.

19 You can answer. Go ahead and answer.

20 Can you read the question again?

21 (Whereupon, the record was read by
22 the reporter as requested.)

23 THE INTERVIEWEE: Can I --

24 MS. RUSSELL: Sure.

1 MR. NEUMER: Sure.

2 THE INTERVIEWEE: Sorry.

3 MR. NEUMER: The time is 2:41, and we will go
4 off the record.

5 (Whereupon, a break was taken.)

6 MR. NEUMER: Time is 2:43. We are back on the
7 record.

8 MR. NEUMER: I think -- well, what was the
9 question that was pending?

10 (Whereupon, the record was read by
11 the reporter as requested.)

12 BY THE INTERVIEWEE: --

13 A. I stand by my previous statement. Yes,
14 I stand by my previous statement.

15 BY MR. NEUMER:

16 Q. The statement you provided in your
17 previous interview with OIG?

18 A. Yes.

19 Q. Okay. And is it fair to say -- well, let
20 me see.

21 MS. RUSSELL: It's page 56.

22 MR. NEUMER: Page 56.

23 MS. RUSSELL: At least that's where it starts.

24

1 BY MR. NEUMER:

2 Q. So your previous statement was that
3 Officer Viramontes was present in your car -- and
4 that's the 841 Robert vehicle --

5 A. Yes.

6 Q. -- when you gave your statement to
7 Detective March; is that correct?

8 A. Yes.

9 Q. Okay. Next statement: "Two officers
10 were standing in the middle of the street on the
11 right side of their police vehicle which was facing
12 southbound."

13 Did you make this statement to
14 Detective March on the night of October 20, 2014?

15 A. Yes, I stand by my previous statement.

16 MR. NEUMER: On this one, I don't think we
17 specifically asked.

18 THE INTERVIEWEE: So --

19 MR. NEUMER: So.

20 MS. RUSSELL: Can we take a quick break?

21 MR. NEUMER: Sure. The time is 2:45 p.m. We
22 will go off the record.

23 (Whereupon, a break was taken.)

24 MR. NEUMER: Time is 2:47. We are back on the

1 record.

2 BY MR. NEUMER:

3 Q. So I believe we were discussing the
4 statement included in the Exhibit 4 CSR, in
5 particular the statement, "These two officers were
6 standing in the middle of the street on the right
7 side of their police vehicle which was facing
8 southbound."

9 My question, Officer Fontaine, did you
10 make this statement to Detective March on the night
11 of October 20, 2014?

12 A. To the best of my recollection, yes.

13 Q. Okay. Is that statement accurate? That
14 is, is that what happened on the night of
15 October 20, 2014?

16 A. To the best of my knowledge, yes.

17 Q. And when you made this statement, were
18 you in your 841 Robert vehicle with
19 Officer Viramontes?

20 A. I was standing outside.

21 Q. Standing outside the vehicle, and
22 Officer Viramontes was inside vehicle?

23 A. Yes.

24 Q. Okay. Next statement: "Fontaine heard

1 the officers repeatedly order McDonald to drop the
2 knife."

3 Did you make this statement to
4 Detective March on the night of October 20, 2014?

5 A. Yes, to the best of my knowledge. Yes.

6 Q. Is that statement accurate?

7 A. Yes.

8 Q. Okay. And were you outside the
9 841 Robert vehicle when you made that statement to
10 Detective March?

11 A. Yes.

12 Q. And Officer Viramontes was inside the
13 841 Robert vehicle at that time?

14 A. Yes.

15 Q. Next statement: "McDonald ignored the
16 verbal direction."

17 The full statement is "McDonald ignored
18 the verbal direction and instead raised his right
19 arm toward Officer Van Dyke as if to attack
20 Van Dyke," but I want to focus on the first part of
21 that statement, "McDonald ignored the verbal
22 direction."

23 Did you make that statement to
24 Detective March on the night of October 20, 2014?

1 A. To the best of my knowledge, I -- I'm
2 sorry.

3 MS. RUSSELL: Can you repeat the question?

4 THE INTERVIEWEE: Yes.

5 (Whereupon, the record was read by
6 the reporter as requested.)

7 BY THE INTERVIEWEE:

8 A. Yes, to the best of my recollection.
9 Yes.

10 BY MR. NEUMER:

11 Q. Okay. Is that statement accurate?

12 A. Yes.

13 Q. Next statement: "At this time, Van Dyke
14 fired multiple shots from his hand gun until
15 McDonald fell to the ground and stopped moving his
16 arm and hand which still grasped the knife."

17 Did you make this statement to Detective
18 March on the night of October 20, 2014?

19 A. Yes. To the best of my knowledge, yes.

20 Q. Is your statement -- is that statement
21 accurate?

22 A. Yes.

23 Q. And were you just outside the 841 Robert
24 vehicle when you made that statement to Detective

1 March?

2 A. Yes.

3 Q. And was Officer Viramontes inside the
4 841 Robert vehicle when you made that statement to
5 Detective March?

6 A. Yes.

7 Q. Let's see. So I want to -- well, let's
8 see. Are we good?

9 MR. BROWN: Yeah.

10 BY MR. NEUMER:

11 Q. We are going to show you a video. This
12 is -- we are going to show you a portion of the
13 video that was recovered from the in-car video
14 system of the 813 Robert vehicle. This is one of
15 the videos that OIG provided to you on or about
16 February 22, 2016 on a DVD.

17 Kris is going to open the VLC media file
18 titled Video_ts.ifo on his laptop, and this file
19 canes 6 minutes and 5 seconds of footage. The
20 video also has a timestamp on it indicating the
21 date and time the video was recorded.

22 We are going to advance the video to the
23 portion time stamped 9:57:28 in the VLC media
24 player time bar time, which goes from zero to 6

1 minutes and 5 seconds is going to be at 4:43, and
2 we are going to ask you to watch about 20 seconds
3 or so of the footage. And then I want you to pay
4 close attention to the arrival of your vehicle.

5 I think we established in the previous
6 interview that the 841 Robert vehicle -- you were
7 the passenger in that vehicle -- comes onto the
8 scene, the shooting scene; is that correct?

9 A. Yes. Yes.

10 MS. RUSSELL: And, Peter, to the extent that
11 her viewing of the video and giving you narrative on
12 the video has nothing to do with the three
13 allegations regarding false statements to
14 Detective March, we object.

15 MR. NEUMER: Okay.

16 BY MR. NEUMER:

17 Q. So let's see. So are we at -- we can
18 even go maybe to 4:43 on the --

19 MR. BROWN: Sure.

20 MR. NEUMER: We'll just back it up slightly.

21 MR. BROWN: And, Officer Fontaine, would you
22 prefer to watch it in real speed, or would you
23 prefer to watch it in like a slower speed, like a
24 half speed?

1 MS. RUSSELL: Whatever you prefer, and then she
2 can decide, as we fully reviewed the video multiple
3 times last time we were here and she addressed what
4 she saw on the video, she addressed different
5 questions you had for her in the video.

6 She is here to address three allegations
7 regarding a narrative, nothing regarding the video.
8 We would say the video speaks for itself; however,
9 if you want to show it to her, we will view it.

10 BY MR. NEUMER:

11 Q. Okay. So we are going to watch it at
12 full speed. We will go to 4:43 on the VLC time
13 bar, and I think -- so we are at 4:43. And, again,
14 I want you to pay attention to when your vehicle
15 arrives in connection with the start of the
16 shooting. Okay?

17 A. Yes.

18 MR. NEUMER: So can we go ahead and play.

19 (Whereupon, a video was shown.)

20 MR. NEUMER: And we can stop it here. We are
21 stopping at 4:58 on the VLC media time player, and
22 on the screen Laquan McDonald is now in -- prone in
23 the street.

24

1 BY MR. NEUMER:

2 Q. So, Officer Fontaine, when we were
3 talking about your interview with Detective March
4 earlier, you stated that you -- that the statement
5 that you heard the officer say, "Drop the knife,"
6 was accurate.

7 And I want to know if your vehicle
8 arrived on the scene early enough to hear the
9 officers, Officer Walsh and Officer Van Dyke,
10 repeatedly say, "Drop the knife?

11 MS. RUSSELL: She already indicated that that
12 statement was accurate, period.

13 MR. NEUMER: And I guess --

14 MS. RUSSELL: She already previously identified
15 when her vehicle showed up on the scene.

16 MR. NEUMER: I guess I just want to --

17 MS. RUSSELL: She is not going to be able to
18 pinpoint.

19 MR. NEUMER: -- give her another opportunity,
20 if watching the video changes your assessment of
21 whether that statement was accurate or not.

22 MS. RUSSELL: If you want to look at the video
23 again, we can look at it if we need to.

24

1 BY THE INTERVIEWEE:

2 A. No.

3 BY MR. NEUMER:

4 Q. Did you hear the officers,
5 Officers Van Dyke and Walsh, say, "Drop the knife,"
6 before Van Dyke began firing at McDonald?

7 A. I'm not quite sure when I heard it, but
8 I heard it.

9 Q. Do you recall if it was before he,
10 Van Dyke, began shooting McDonald?

11 A. I --

12 MS. RUSSELL: I think she just answered that.

13 BY MR. NEUMER:

14 Q. Do you remember whether your sirens were
15 on when you approached the shooting scene?

16 A. I don't remember.

17 Q. I think that, based on my viewing, your
18 lights, the Mars lights of your vehicle are on. Do
19 you want to watch it again to see if you agree or
20 disagree with that assessment?

21 Do you recall whether your lights were
22 on?

23 A. According to the video, they were on.

24 Q. When your Mars lights are on, are your

1 sirens usually going as well?

2 A. No. They don't have -- there's a toggle
3 switch.

4 Q. Okay.

5 A. And you could either turn the lights on
6 by themselves or different sections or different
7 modes.

8 Q. I got you.

9 Do you recall whether you had your sirens
10 going?

11 A. I don't recall. I don't remember.

12 Q. When you are responding to a scene where
13 your lights on, generally speaking, are your sirens
14 on as well?

15 A. We use the siren to clear traffic.

16 Q. Okay.

17 A. Once we get to the scene, we cut the
18 sirens off.

19 Q. Okay. Okay. So usually, you would use
20 your sirens to allow you to get to the scene
21 quicker?

22 A. Yes.

23 Q. Okay. And then once you get to the
24 scene, you turn those sirens off?

1 A. Uh-huh.

2 Q. Was that a yes?

3 A. I'm sorry. Yes.

4 Q. But you don't recall whether your sirens
5 were on as you approached the scene of the McDonald
6 shooting?

7 A. No.

8 MR. NEUMER: We are going to go off the record
9 just one moment. The time is 2:58.

10 (Whereupon, a break was taken.)

11 MR. NEUMER: 3:05 p.m. We are back on the
12 record.

13 BY MR. NEUMER:

14 Q. So, Officer Fontaine, we were talking
15 about the statement "drop the knife" that you heard
16 on the night of October 20, 2014.

17 And I wanted to ask you do you recall how
18 many times you heard Officers Walsh and Van Dyke
19 say, "Drop the knife"?

20 A. No, I don't recall how many times.

21 Q. Do you recall, did Officer Van Dyke say,
22 "Drop the knife," as he was shooting McDonald?

23 A. I don't recall.

24 Q. Okay.

1 A. I --

2 Q. And I guess, so watching the video, it
3 seems like it might have been, given your arrival
4 to the scene in the 841 Robert vehicle, which seems
5 to occur just about as the shooting began, I wanted
6 to get your take on how you could have heard the
7 officers saying "drop the knife" as you were still
8 in your vehicle.

9 A. Like I said, I -- excuse me. I heard
10 it. I can't tell you how or when, but I heard it.

11 Q. Okay. Is it possible that you heard him
12 say or heard the officer say, "Drop the knife,"
13 after the shooting began?

14 MS. RUSSELL: She already said she doesn't know
15 multiple times, but it happened before the shooting.

16 BY MR. NEUMER:

17 Q. I am going to direct your attention to
18 the Notice of Allegations, and it will be -- so
19 looking at Allegation number 2, "It is alleged that
20 on or about October 20, 2014, you made a false
21 statement during an interview with CPD Detective
22 David March of the Chicago Police Department when,
23 with respect to the McDonald shooting, you stated
24 that you heard Officers Van Dyke and Walsh

1 repeatedly order McDonald to drop the knife."

2 What is your response to this allegation?

3 A. I stand by my statement.

4 Q. Okay.

5 A. Yeah.

6 Q. Is there anything you would like to add
7 regarding this allegation?

8 MS. RUSSELL: Can we take a break?

9 MR. NEUMER: Time is 3:08, and we will go off
10 the record.

11 (Whereupon, a break was taken.)

12 MS. RUSSELL: We will go back on.

13 MR. NEUMER: Okay. Time is 3:08, and we will
14 go back on the record.

15 BY THE INTERVIEWEE:

16 A. It's not a false statement. I --

17 MR. NEUMER: Okay.

18 BY MR. NEUMER:

19 Q. Allegation number 3, "It is alleged that
20 on or about October 20, 2014, you made a false
21 statement during an interview with CPD
22 Detective David March when, with respect to the
23 McDonald shooting, you stated that McDonald ignored
24 Officers Van Dyke and Walsh's directive to drop the

1 knife and that Van Dyke then fired multiple shots
2 from his hand gun until McDonald fell to the ground
3 and stopped moving his arm and hand which still
4 grasped the knife."

5 Officer Fontaine, what is your response
6 to this allegation?

7 A. It is not a false statement.

8 Q. Okay. Do you stand by this statement?

9 A. Yes.

10 Q. Is there anything you would like to add
11 regarding this allegation?

12 A. No.

13 MR. NEUMER: Kris, do you have any?

14 MR. BROWN: Just one follow-up question.

15 FURTHER EXAMINATION

16 BY MR. BROWN:

17 Q. Is it possible that you only heard the
18 officers give the order to drop the knife once?

19 A. I don't recall how many times I heard
20 it, but I heard it.

21 MR. BROWN: Okay.

22 MR. NEUMER: I am going -- 3:09 p.m. We are
23 just going to go off the record.

24 (Whereupon, a break was taken.)

1 MR. NEUMER: Time is 3:15 p.m.

2 FURTHER EXAMINATION

3 BY MR. NEUMER:

4 Q. So I think we have asked all our
5 substantive questions today. I wanted to ask you
6 one more time with respect to this line of
7 questioning, "Drop the knife," arrival of your
8 vehicle, would it be at all helpful for you to
9 review the 813 Robert dash cam video another time?

10 A. No.

11 Q. Okay. Then I will just ask, you know,
12 understanding what we are looking at today and at
13 our previous interview, we try and ask all relevant
14 questions, but sometimes we don't ask all the
15 necessary questions.

16 So at this time, if you think there are
17 any questions we should have asked you that we
18 didn't or any information that you think we should
19 know, this is your opportunity to put that
20 information on the record.

21 MS. RUSSELL: And I would just like to state
22 that, you know, the officer is here at your request
23 to answer questions that you ask of her, and she is
24 only required to answer questions you ask of her,

1 not to propose questions you should have and didn't
2 ask.

3 But with that, Officer Fontaine, do you
4 have any additional statement you want to make?

5 THE INTERVIEWEE: No.

6 MR. NEUMER: Okay. The time is 3:17, and this
7 interview is concluded.

8 (Which were all proceedings in the
9 above-entitled interview this date.)

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)

4

5 I, ANDREW ROBERT PITTS, C.S.R. No. 84-4575, a
6 Certified Shorthand Reporter within and for the
7 County of Cook and State of Illinois, do hereby
8 certify:

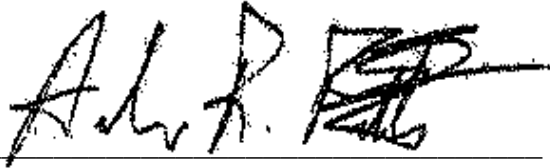
9 That previous to the commencement of the
10 examination of the Interviewee, the Interviewee was
11 duly sworn to testify the whole truth concerning
12 the matters herein;

13 That the foregoing interview transcript
14 was reported stenographically by me, was thereafter
15 reduced to typewriting under my personal direction
16 and constitutes a true record of the testimony
17 given and the proceeding had;

18 That the said interview was taken before
19 me at the time and place specified;

20 That I am not a relative or employee or
21 attorney or counsel, nor a relative or employee of
22 such attorney or counsel for any of the parties
23 hereto, nor interested directly or indirectly in
24 the outcome of this action.

1 IN WITNESS WHEREOF, I do hereunto set my
2 hand and affix my seal of office at Chicago,
3 Illinois this 20th day of June, 2016.

4 
5
6

7 Certified Shorthand Reporter

8 Cook County, Illinois

9 My commission expires May 31, 2017

10
11 C.S.R. Certificate No. 84-4575.

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